

HOUSE No. 841

By Mr. Fagan of Taunton, petition of James H. Fagan and William G. Greene, Jr. relative to the rights of non-biological parents ordered to pay child support. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RESTORING THE RIGHTS OF PERSONS ORDERED TO FINANCIALLY
SUPPORT NON-BIOLOGICAL CHILDREN.

*Be it enacted by the Senate and House of Representatives in General
Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 9 of chapter 209C of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 inserting after subsection (f) the following subsection:—

4 (g) Notwithstanding the provisions of any general or special
5 law, rule or regulation to the contrary, the court shall not find any
6 person chargeable with the support of a child if such person
7 demonstrates by a preponderance of competent scientific evidence
8 that he is not the biological parent of such child, regardless of
9 whether and when such person has previously made any voluntary
10 acknowledgment of parentage, unless, during the pendency of any
11 action under this chapter, such a person knowingly consents in
12 writing after a competent scientific determination of parentage has
13 been made.

1 SECTION 2. Section 11 of said chapter 209C, as so appearing,
2 is hereby amended by inserting after subsection (d) the following
3 subsection:—

4 (e) Notwithstanding the provisions of any general or special
5 law, rule or regulation to the contrary, the obligation of any person
6 who has been paying, by consent, voluntary acknowledgement of

7 parentage, court order, or otherwise, support for any child shall
8 immediately terminate if such person demonstrates by a prepon-
9 derance of competent scientific evidence that he is not the biolog-
10 ical parent of such a child. Such person shall not, however, be
11 entitled to any reimbursement for any such support payments
12 already made.

1 SECTION 3. This act shall take effect upon passage.